

# UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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Sunnie Burningham, Managing Editor

The *Utah State Digest (Digest)* is an official noticing publication of the executive branch of Utah state government. The Office of Administrative Rules, part of the Department of Government Operations, produces the *Digest* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Digest* is the official version. The PDF version of this issue is available at <https://rules.utah.gov/>. Any discrepancy between the PDF version and other versions will be resolved in favor of the PDF version.

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Digest* should be addressed to the contact person for the rule. Questions about the *Digest* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-957-7110. Additional rulemaking information and electronic versions of all administrative rule publications are available at <https://rules.utah.gov/>.

The *Utah State Digest* summarizes the contents of the *Utah State Bulletin* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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## NOTICES OF PROPOSED RULES

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A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between May 16, 2023, 12:00 a.m., and June 01, 2023, 11:59 p.m. are included in this, the June 15, 2023, issue of the *Utah State Digest*.

In this publication, each **PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least July 17, 2023. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through October 13, 2023, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Digest*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

The public, interest groups, and governmental agencies are invited to review and comment on **PROPOSED RULES**. *Comment may be directed to the contact person identified on the **RULE ANALYSIS** for each rule.*

**PROPOSED RULES** are governed by Section 63G-3-301, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5a, R15-4-9, and R15-4-10.

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**The Proposed Rules Begin on the Following Page**

NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R35-1	Filing ID: 55397

**Agency Information**

<b>1. Department:</b>	Government Operations	
<b>Agency:</b>	Records Committee	
<b>Street address:</b>	346 S Rio Grande St	
<b>City, state and zip:</b>	Salt Lake City, UT 84101	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Rebekkah Shaw	801-531-3851	rshaw@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

**General Information**

<b>2. Rule or section catchline:</b>
R35-1. State Records Committee Appeal Hearing Procedures
<b>3. Purpose of the new rule or reason for the change:</b>
S.B. 231 from the 2023 General Session added Section 63G-2-209. This new section created an additional mandate for the State Records Committee. The bill also required rules to be created for these new hearings, what is generally referred to as "vexatious requester hearings". These changes are in anticipation of those hearings, along with some grammatical updates to be compliant with the Utah Rulewriting Manual.
<b>4. Summary of the new rule or change:</b>
The catchline for Rule R35-1 is changed for both appeal and vexatious hearings.
A specific change is that all parties at a hearing are sworn in, and the time to present at the hearing is set.
What happens when the Records Committee (Committee) votes in a tie is explained.
The Committee may vote to compel a third-party to attend a hearing.
Various types of motions and orders the Committee may issue are added.
Two new sections are added: R35-1-3, Burden of Proof, and R35-1-4, Vexatious Requester Hearing Procedures. This requires the rest of Rule R35-1 to be renumbered.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to come into compliance with Section 63G-2-209. All other changes are to clarify current practice.
<b>B) Local governments:</b>
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to come into compliance with Section 63G-2-209. All other changes are to clarify current practice.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to come into compliance with Section 63G-2-209. All other changes are to clarify current practice.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to come into compliance with Section 63G-2-209. All other changes are to clarify current practice.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to come into compliance with Section 63G-2-209. All other changes are to clarify current practice.
<b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to come into compliance with Section 63G-2-209. All other changes are to clarify current practice.
<b>G) Regulatory Impact Summary Table</b> (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)



Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>			
The Deputy Director of the Department of Government Operations, Christopher Hughes, has reviewed and approved this regulatory impact analysis.			

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Subsection 63G-2-209(12)		

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)</b>	
<b>A) Comments will be accepted until:</b>	07/17/2023

<b>9. This rule change MAY become effective on:</b>	07/25/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kenneth Williams, Director and State Archivist	<b>Date:</b>	05/08/2023
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF FILING:</b> Amendment			
<b>Rule or Section Number:</b>	R35-1a	<b>Filing ID:</b>	55398

**Agency Information**

<b>1. Department:</b>	Government Operations	
<b>Agency:</b>	Records Committee	
<b>Street address:</b>	346 S Rio Grande St	
<b>City, state and zip:</b>	Salt Lake City, UT 84101	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Rebekkah Shaw	801-531-3851	rshaw@utah.gov

Please address questions regarding information on this notice to the persons listed above.

**General Information**

<b>2. Rule or section catchline:</b>
R35-1a. State Records Committee Definitions
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this filing is to make changes in compliance with the Utah Rulewriting Manual and clarify when a governmental entity may make comments to the State Records Committee (Committee) if no notice of compliance has been provided.
<b>4. Summary of the new rule or change:</b>
The change clarifies when an entity may make comments if no notice of compliance has been sent to the Committee.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
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<b>A) State budget:</b>			
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.			
<b>B) Local governments:</b>			
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.			
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):			
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.			
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):			
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):			
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.			
<b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):			
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.			
<b>G) Regulatory Impact Summary Table</b> (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
<b>Regulatory Impact Table</b>			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>			
The Deputy Director of the Department of Government Operations, Christopher Hughes, has reviewed and approved this regulatory impact analysis.			

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Subsection		
63G-2-209(12)		

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	07/17/2023

<b>9. This rule change MAY become effective on:</b>	07/25/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kenneth Williams, Director and State Archivist	<b>Date:</b>	05/08/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R35-2	Filing ID: 55399

**Agency Information**

<b>1. Department:</b>	Government Operations	
<b>Agency:</b>	Records Committee	
<b>Street address:</b>	346 S Rio Grande St	
<b>City, state and zip:</b>	Salt Lake City, UT 84101	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Rebekkah Shaw	801-531-3851	rshaw@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

**General Information**

<b>2. Rule or section catchline:</b>
R35-2. Declining Appeal Hearings
<b>3. Purpose of the new rule or reason for the change:</b>
S.B. 231 from the 2023 General Session added Section 63G-2-209. This new section created an additional mandate for the State Records Committee.  The bill also required rules to be created for these new hearings, what is generally referred to as "vexatious requester hearings". These changes are in anticipation of those hearings, along with some grammatical updates to be compliant with the Utah Rulewriting Manual.
<b>4. Summary of the new rule or change:</b>
The rule and section catchlines (titles) are updated to clarify which sections are for record access appeals and which ones are for vexatious requester hearings.  The changes include a page limit for record access appeals.  A new section is added: R35-2-3, Scheduling and Declining Requests for Vexatious Requester Hearings. This section clarifies what should be included for an appeal to be complete and how appeals may be denied.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are

created to come into compliance with Section 63G-2-209. All other changes are to clarify current practice.

**B) Local governments:**

There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to come into compliance with Section 63G-2-209. All other changes are to clarify current practice.

**C) Small businesses** ("small business" means a business employing 1-49 persons):

There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to come into compliance with Section 63G-2-209. All other changes are to clarify current practice.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):

There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to come into compliance with Section 63G-2-209. All other changes are to clarify current practice.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to come into compliance with Section 63G-2-209. All other changes are to clarify current practice.

**F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to come into compliance with Section 63G-2-209. All other changes are to clarify current practice.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Deputy Director of the Department of Government Operations, Christopher Hughes, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Subsection 63G-2-209(12)	Subsection 63G-2-403(4)(b)(ii)(B)	
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**Public Notice Information**

**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

**A) Comments will be accepted until:** 07/17/2023

**9. This rule change MAY become effective on:** 07/25/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kenneth Williams, Director and State Archivist	<b>Date:</b>	05/08/2023
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**NOTICE OF PROPOSED RULE**

**TYPE OF FILING:** Amendment

<b>Rule or Section Number:</b>	<b>R35-4</b>	<b>Filing ID:</b>	<b>55400</b>
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**Agency Information**

<b>1. Department:</b>	Government Operations		
<b>Agency:</b>	Records Committee		
<b>Street address:</b>	346 S Rio Grande St		
<b>City, state and zip:</b>	Salt Lake City, UT 84101		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Rebekkah Shaw	801-531-3851	rshaw@utah.gov	

**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

**2. Rule or section catchline:**  
R35-4. Compliance with State Records Committee Decisions and Orders

**3. Purpose of the new rule or reason for the change:**  
The purpose of this change is to make changes in compliance with the Utah Rulewriting Manual and clarify when a governmental entity may make comments to the State Records Committee (Committee) if no notice of compliance has been provided.

**4. Summary of the new rule or change:**  
The changes clarify when an entity may make comments if no notice of compliance has been sent to the Committee.

**Fiscal Information**

**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:**

**A) State budget:**  
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.

**B) Local governments:**

There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.

**C) Small businesses** ("small business" means a business employing 1-49 persons):

There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):

There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.

**F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2024	FY2025	FY2026

State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Deputy Director of the Department of Government Operations, Christopher Hughes, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Subsection		
63G-2-209(12)		

**Public Notice Information**

**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

<b>A) Comments will be accepted until:</b>	07/17/2023
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<b>9. This rule change MAY become effective on:</b>	07/25/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kenneth Williams, Director and State Archivist	<b>Date:</b>	05/08/2023
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NOTICE OF PROPOSED RULE		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	R35-5	<b>Filing ID:</b> 55401

**Agency Information**

<b>1. Department:</b>	Government Operations	
<b>Agency:</b>	State Records Committee	
<b>Street address:</b>	346 S Rio Grande St	
<b>City, state and zip:</b>	Salt Lake City, UT 84101	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Rebekkah Shaw	801-531-3851	rshaw@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R35-5. Subpoenas Issued by the Records Committee
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this change is to make changes in compliance with the Utah Rulewriting Manual and clarify when a governmental entity may make comments to the State Records Committee (Committee) if no notice of compliance has been provided.
<b>4. Summary of the new rule or change:</b>
The changes clarify when an entity may make comments if no notice of compliance has been sent to the Committee.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.
<b>B) Local governments:</b>
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):

There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.

**F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



Net Benefits	Fiscal \$0	\$0	\$0
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>			
The Deputy Director of the Department of Government Operations, Christopher Hughes, has reviewed and approved this regulatory impact analysis.			

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Subsection 63G-2-209(12)		

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	07/17/2023

<b>9. This rule change MAY become effective on:</b>	07/25/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kenneth Williams, Director and State Archivist	<b>Date:</b>	05/08/2023
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NOTICE OF PROPOSED RULE		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R35-6</b>	<b>Filing ID:</b> <b>55402</b>

**Agency Information**

<b>1. Department:</b>	Government Operations	
<b>Agency:</b>	Records Committee	
<b>Street address:</b>	346 S Rio Grande St	
<b>City, state and zip:</b>	Salt Lake City, UT 84101	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Rebekkah Shaw	801-531-3851	rshaw@utah.gov

Please address questions regarding information on this notice to the persons listed above.

**General Information**

<b>2. Rule or section catchline:</b>
R35-6. Expedited Hearing
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this amendment is to clarify when expedited hearings may be scheduled.
<b>4. Summary of the new rule or change:</b>
The revision allows the Executive Secretary to schedule an expedited hearing at the next scheduled meeting.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.
<b>B) Local governments:</b>
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.
<b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):

NOTICES OF PROPOSED RULES

There are no substantive changes being made regarding the fiscal impact of this rule. The changes in this rule are created to be in line with current practice.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Deputy Director of the Department of Government Operations, Christopher Hughes, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Subsection 63G-2-209(12)		
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**Public Notice Information**

**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

<b>A) Comments will be accepted until:</b>	07/17/2023
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<b>9. This rule change MAY become effective on:</b>	07/25/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kenneth Williams, Director and State Archivist	<b>Date:</b>	05/08/2023
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**NOTICE OF PROPOSED RULE**

**TYPE OF FILING:** Amendment

<b>Rule or Section Number:</b>	<b>R64-4</b>	<b>Filing ID:</b>	<b>55441</b>
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**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Conservation Commission	
<b>Building:</b>	TSOB South Bldg, Floor 2	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state and zip:</b>	Taylorsville, UT 84129-2128	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	ambermbrown@utah.gov
Kelly Pehrson	385-977-2147	kwpehrson@utah.gov
Jim Bowcutt	801-982-2200	jdbowcutt@utah.gov

**Please address questions regarding information on this notice to the persons listed above.**



**General Information**

<b>2. Rule or section catchline:</b>
R64-4. Agricultural Water Optimization Program
<b>3. Purpose of the new rule or reason for the change:</b>
Changes are needed to ensure that this rule is consistent with the Department of Agriculture and Food's (Department) current management of the Agricultural Water Optimization Program.
<b>4. Summary of the new rule or change:</b>
The purposes of the program set forth in Section R64-4-3 have been clarified to be consistent with the program criteria adopted by the Utah Conservation Commission in March of 2023. Specifically, the reference to reducing consumptive water use has been removed.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no anticipated cost or savings to the state budget. The changes just clarify the purposes of the program which will not impact how it is managed by the Department.
<b>B) Local governments:</b>
Local governments do not manage the program or receive funding from it and will not be impacted.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The changes just clarify the purposes of the program which will not impact how it is managed by the Department.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to non-small businesses. The changes just clarify the purposes of the program which will not impact how it is managed by the Department.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
Other persons do not participate in the program or manage program operations and will not be impacted.

<b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliance costs for program participation.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>
The Commissioner of the Department of Agriculture and Food, Craig W Buttars, has reviewed and approved this regulatory impact analysis.

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>
Section 4-18-108

**Public Notice Information**

**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

<b>A) Comments will be accepted until:</b>	07/17/2023
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<b>9. This rule change MAY become effective on:</b>	07/25/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Craig W Buttars, Commissioner	<b>Date:</b>	05/19/2023
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**NOTICE OF PROPOSED RULE**

**TYPE OF FILING:** Amendment

<b>Rule or Section Number:</b>	<b>R68-25</b>	<b>Filing ID:</b>	<b>55439</b>
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**Agency Information**

<b>1. Department:</b>	Agriculture and Food		
<b>Agency:</b>	Plant Industry		
<b>Street address:</b>	4315 S 2700 W, TSOB South Bldg, Floor 2		
<b>City, state and zip:</b>	Taylorsville, UT 84129-2128		
<b>Mailing address:</b>	PO Box 146500		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Amber Brown	385-245-5222	ambermbrown@utah.gov	
Cody James	385-515-1485	codyjames@utah.gov	
Kelly Pehrson	385-977-2147	kwpehrson@utah.gov	
<b>Please address questions regarding information on this notice to the persons listed above.</b>			

**General Information**

<b>2. Rule or section catchline:</b>
R68-25. Industrial Hemp Program - Cannabinoid Product Processors

<b>3. Purpose of the new rule or reason for the change:</b>
Changes are needed to update this rule to make it consistent with statutory changes passed in H.B. 227, Hemp Amendments, during the 2023 General Session.

<b>4. Summary of the new rule or change:</b>
Definitions have been clarified to be consistent with current statute following the passage of H.B. 227 (2023), specifically, the definition of "artificially derived cannabinoid" has replaced "synthetic" and "derivative" cannabinoid definitions.

Additionally, per package and per serving THC limits have been added to the definition of "cannabinoid product."

The definition of "key participant" has also been clarified.

Throughout this rule, references to "industrial hemp" have been removed and replaced with "cannabinoid product" to be more consistent with current statute and the Department of Agriculture and Food's (Department) regulatory authority under this rule.

In Sections R68-25-4 and R68-25-5, background check requirements have been clarified to match current law as well, following the denial of the Department's application to participate in the FBI Rap Back program.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
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<b>A) State budget:</b>
There should be no impact on the state budget. These changes clarify the requirements of this rule. Department management of cannabinoid product processors will not change.

<b>B) Local governments:</b>
Local governments will not be impacted because they do not participate in the industrial hemp program.

<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
Small businesses will not be impacted by this rule change. The Department has addressed the impact of labeling changes required due to new THC limits in the product registration rule (R68-26).

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):

Non-small businesses will not be impacted by this rule change. The Department has addressed the impact of labeling changes required due to new THC limits in the product registration rule (R68-26).

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

These rule changes will not impact other persons because they are not licensed cannabinoid product processors.

**F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?):

Compliance costs for affected persons will not change because the changes are clarifying in nature.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Net Benefits</b>	<b>Fiscal</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Commissioner of the Department of Agriculture and Food, Craig W Buttars, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Subsection		
4-41-103(4)		

**Public Notice Information**

**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

<b>A) Comments will be accepted until:</b>	07/17/2023
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<b>9. This rule change MAY become effective on:</b>	07/25/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Craig W Buttars, Commissioner	<b>Date:</b>	05/22/2023
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF FILING:</b> New		
<b>Rule or Section Number:</b>	<b>R68-39</b>	<b>Filing ID:</b> <b>55442</b>

**Agency Information**

<b>1. Department:</b>	Agriculture and Food
<b>Agency:</b>	Plant Industry
<b>Street address:</b>	4315 S 2700 W, TSOB South Bldg, Floor 2
<b>City, state and zip:</b>	Taylorsville, UT 84129-2128
<b>Mailing address:</b>	PO Box 146500
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500

<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	ambermbrown@utah.gov
Cody James	385-515-1485	codyjames@utah.gov
Kelly Pehrson	385-977-2147	kwpehrson@utah.gov

**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

<b>2. Rule or section catchline:</b>
R68-39. Industrial Hemp Producer Registration
<b>3. Purpose of the new rule or reason for the change:</b>
A new rule is needed to implement changes passed in H.B. 227 during the 2023 General Session. H.B. 227 requires that the Department of Agriculture and Food (Department) write rules establishing an industrial hemp producer registration process in Subsection 4-41-103.1(d). This rule will establish that process.
<b>4. Summary of the new rule or change:</b>
This rule establishes a process by which producers of non-cannabinoid industrial hemp may register with the Department and the requirements associated with that registration.
This new rule includes applicable definitions (Section R68-39-2), application requirements (Section R68-39-3), inspection and testing requirements (Section R68-39-4), registration responsibilities (Sections R68-39-5 and R68-39-6), and violations (Section R68-39-7).

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There will be Department costs related to staff time needed to implement this rule. This will not be incurred until FY 2024 and will start with approximately 100 staff hours at an average cost of \$40 an hour (\$4,000), increasing by 25% in FY 2025 (to \$5,000) due to increased registrations. This will not be offset by increased revenue because the Department will not charge a fee for industrial hemp producer registration.
<b>B) Local governments:</b>
Local governments do not produce industrial hemp products and will not be impacted by this rule.

<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):			
Small businesses that register as industrial hemp producers will not be impacted because there is no fee associated with the registration.			
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):			
Non-small businesses that register as industrial hemp producers will not be impacted because there is no fee associated with the registration.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i> ):			
Other persons do not participate in the industrial hemp program and will not be impacted.			
<b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):			
There are no compliance costs associated with industrial hemp producer registration because the program is free for producers of non-cannabinoid products.			
<b>G) Regulatory Impact Summary Table</b> (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$4,000	\$5,000	\$5,000
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$4,000</b>	<b>\$5,000</b>	<b>\$5,000</b>
<b>Fiscal Benefits</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$(4,000)</b>	<b>\$(5,000)</b>	<b>\$(5,000)</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>			
The Commissioner of the Department of Agriculture and Food, Craig W Butters, has reviewed and approved this regulatory impact analysis.			

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Section		
4-41-103.1		

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	07/17/2023

<b>9. This rule change MAY become effective on:</b>	07/25/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Craig W Butters, Commissioner	<b>Date:</b>	05/24/2023
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NOTICE OF PROPOSED RULE		
<b>TYPE OF FILING:</b> Repeal		
<b>Rule or Section Number:</b>	<b>R359-1</b>	<b>Filing ID:</b> <b>55450</b>

**Agency Information**

<b>1. Department:</b>	Governor
<b>Agency:</b>	Economic Opportunity
<b>Building:</b>	World Trade Center
<b>Street address:</b>	60 E South Temple

<b>City, state and zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	60 E South Temple	
<b>City, state and zip:</b>	Salt Lake City, UT 84111	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dane Ishihara	801-792-8764	dishihara@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R359-1. Pete Suazo Utah Athletic Commission Act Rule
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is no longer necessary as a result of the passage of H.B. 333 during the 2022 General Session which moved and renumbered provisions related to the Pete Suazo Utah Athletic Commission Act Rule from the Governor's Office of Economic Opportunity. The Utah Department of Cultural and Community Engagement will file a new rule under the correct title. (EDITOR'S NOTE: The proposed new Rule R457-1 is under ID 55449 in this issue, June 15, 2023, of the Bulletin.)
<b>4. Summary of the new rule or change:</b>
This rule is repealed in its entirety.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The repeal is not expected to have any fiscal impact on state government revenues or expenditures because any fiscal impact would have been addressed in the fiscal note of H.B. 333 (2022).
<b>B) Local governments:</b>
The repeal is not expected to have any fiscal impact on local governments' revenues or expenditures because any fiscal impact would have been addressed in the fiscal note of H.B. 333 (2022).
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
The repeal is not expected to have any fiscal impact on small businesses' revenues or expenditures because any fiscal impact would have been addressed in the fiscal note of H.B. 333 (2022).

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):

The repeal is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because any fiscal impact would have been addressed in the fiscal note of H.B. 333 (2022).

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

The repeal is not expected to have any fiscal impact on other persons revenues or expenditures because any fiscal impact would have been addressed in the fiscal note of H.B. 333 (2022).

**F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?):

The repeal of this rule requires no action or compliance by any persons.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

**Regulatory Impact Table**

Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Executive Director of the Governor's Office of Economic Development, Ryan Starks, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section		
63C-11-101		

**Public Notice Information**

**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

**A) Comments will be accepted until:** 07/17/2023

**9. This rule change MAY become effective on:** 07/25/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Ryan Starks, Executive Director	<b>Date:</b>	05/31/2023
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**NOTICE OF PROPOSED RULE**

**TYPE OF FILING:** Amendment

<b>Rule or Section Number:</b>	<b>R414-19A</b>	<b>Filing ID:</b>	<b>55446</b>
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**Agency Information**

<b>1. Department:</b>	Health and Human Services
<b>Agency:</b>	Health Care Financing, Coverage and Reimbursement Policy
<b>Building:</b>	Cannon Health Building
<b>Street address:</b>	288 N 1460 W
<b>City, state and zip:</b>	Salt Lake City, UT 84116
<b>Mailing address:</b>	PO Box 143102



<b>City, state and zip:</b>	Salt Lake City, UT 84114-3102	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	(801) 538-6641	cdevashrayee@utah.gov
Jonah Shaw	(385) 310-2389	jshaw@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R414-19A. Coverage for Dialysis Services by an End Stage Renal Disease Facility
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
The purpose of this change is to update and clarify the rule text as needed.
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>
This amendment updates and clarifies authority, definitions, eligibility, program access, services, care, limitations, prior authorization, and reimbursement for dialysis services in an end-stage renal disease facility.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no impact to the state budget as there are only minor changes and technical updates.
<b>B) Local governments:</b>
There is no impact on local governments as they neither fund nor provide dialysis services under the Medicaid program.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
There is no impact on small businesses as there are only minor changes and technical updates.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
There is no impact on non-small businesses as there are only minor changes and technical updates.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There is no impact to other persons or entities as there are only minor changes and technical updates.

**F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs to a single person or entity as there are only minor changes and technical updates.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this fiscal analysis.

NOTICES OF PROPOSED RULES

Businesses will see neither costs nor revenue as there are only minor changes and technical updates.

**Citation Information**

**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 26B-1-213	Section 26B-3-108
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**Public Notice Information**

**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

<b>A) Comments will be accepted until:</b>	07/17/2023
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<b>9. This rule change MAY become effective on:</b>	07/25/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	03/27/2023
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NOTICE OF PROPOSED RULE		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R432-102</b>	<b>Filing ID:</b> <b>55437</b>

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Family Health and Preparedness, Licensing	
<b>Room number:</b>	1st Floor	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO BOX 144103	
<b>City, state and zip:</b>	Salt Lake City, UT 84414-4103	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Jonah Shaw	385-310-2389	jshaw@utah.gov

Janice Weinman	385-321-5586	jweinman@utah.gov
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**Please address questions regarding information on this notice to the agency.**

**General Information**

<b>2. Rule or section catchline:</b>
R432-102. Specialty Hospital – Substance Use Disorder

<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
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The purpose of this amendment is to modify and replace outdated language with the Utah Rulewriting Manual standards.

<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>
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The revisions include more specific language consistent with the Utah Rulewriting Manual. The substantive change reflects a new rule title to align with current industry terms and standards.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
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<b>A) State budget:</b>
State government process was thoroughly reviewed. These changes will not impact the current process for licensure and re-licensure surveys. No change to the state budget is expected because this amendment modifies and replaces outdated language with current state rulewriting manual standards.

<b>B) Local governments:</b>
Local government city business licensing requirements were considered. This proposed rule amendment should not impact local governments' revenues or expenditures because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.

The Specialty Hospital Substance Use Disorder Standards are regulated by the Department of Health and Human Services and not local governments. There will be no change in local business licensing or any other item(s) with which local government is involved.

<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
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After conducting a thorough analysis, it was determined that this rule amendment should not impact costs for small businesses because this amendment modifies and



replaces outdated language with the Utah Rulewriting Manual standards.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):

After conducting a thorough analysis, it was determined that this rule amendment should not impact costs for non-small businesses because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to affected persons because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.

**F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?):

After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to compliance costs for affected persons because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Executive Director of the Department of Health and Human Services, Tracy Gruber, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 26B-2-202		
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**Public Notice Information**

**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

<b>A) Comments will be accepted until:</b>	07/17/2023
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**9. This rule change MAY become effective on:** 07/25/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	05/22/2023
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF FILING:</b> New		
<b>Rule or Section Number:</b>	<b>R457-1</b>	<b>Filing ID:</b> <b>55449</b>

**Agency Information**

<b>1. Department:</b>	Cultural and Community Engagement
<b>Agency:</b>	Pete Suazo Utah Athletic Commission

NOTICES OF PROPOSED RULES

<b>Building:</b>	Highland Office	
<b>Street address:</b>	3760 S Highland Drive	
<b>City, state and zip:</b>	Millcreek, UT 84106	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kristin Mead	218-393-2995	kristinmead@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R457-1. Pete Suazo Utah Athletic Commission Act Rule
<b>3. Purpose of the new rule or reason for the change:</b>
In the 2022 General Session, the Pete Suazo Athletic Commission (PSUAC) was moved from Governor's Office of Economic Opportunity (GOEO) to the Department of Cultural and Community Engagement (CCE). The existing Rule R359-1 will be repealed by GOEO, and filed by CCE as new Rule R457-1. (EDITOR'S NOTE: The proposed repeal of Rule R359-1 is under ID 55450 in this issue, June 15, 2023, of the Bulletin.)
<b>4. Summary of the new rule or change:</b>
This rule outlines the operating procedures and policies for the PSUAC.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The state budget for the PSUAC program is \$271,200 for FY24. There is no fiscal impact because the requirements listed in this new rule are the same as the ones that previously existed in Rule R359-1.
<b>B) Local governments:</b>
There is no fiscal impact because the requirements listed in this new rule are the same as the ones that previously existed in Rule R359-1.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
There is no fiscal impact because the requirements listed in this new rule are the same as the ones that previously existed in Rule R359-1.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):

There is no fiscal impact because the requirements listed in this new rule are the same as the ones that previously existed in Rule R359-1.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There is no fiscal impact because the requirements listed in this new rule are the same as the ones that previously existed in Rule R359-1.

**F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no new compliance costs for affected persons. There is no fiscal impact because the requirements listed in this new rule are the same as the ones that previously existed in Rule R359-1.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Net Benefits</b>	<b>Fiscal</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>				
The Executive Director of Community and Cultural Engagement, Jill Love, has reviewed and approved this regulatory impact analysis.				

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Sections 9-23-101 through 9-23-301		

**Incorporations by Reference Information**

<b>7. Incorporations by Reference:</b>	
<b>A) This rule adds, updates, or removes the following title of materials incorporated by references:</b>	
<b>Official Title of Materials Incorporated (from title page)</b>	Unified Rules of Boxing
<b>Publisher</b>	Association of Boxing Commission and Combative Sports
<b>Issue Date</b>	August 3, 2016

<b>B) This rule adds, updates, or removes the following title of materials incorporated by references:</b>	
<b>Official Title of Materials Incorporated (from title page)</b>	Unified Rules of Mixed Martial Arts
<b>Publisher</b>	Association of Boxing Commission and Combative Sports
<b>Issue Date</b>	August 1, 2019

<b>C) This rule adds, updates, or removes the following title of materials incorporated by references:</b>	
<b>Official Title of Materials Incorporated (from title page)</b>	Unified Rules of Professional Kickboxing
<b>Publisher</b>	Association of Boxing Commission and Combative Sports
<b>Issue Date</b>	July 26, 2017

<b>D) This rule adds, updates, or removes the following title of materials incorporated by references:</b>	
<b>Official Title of Materials Incorporated (from title page)</b>	Mixed Martial Arts Judging Criteria
<b>Publisher</b>	Association of Boxing Commission and Combative Sports
<b>Issue Date</b>	August 2, 2016

<b>E) This rule adds, updates, or removes the following title of materials incorporated by references:</b>	
<b>Official Title of Materials Incorporated (from title page)</b>	Unified Rules Mixed Martial Arts Fouls
<b>Publisher</b>	Association of Boxing Commission and Combative Sports
<b>Issue Date</b>	2017

<b>F) This rule adds, updates, or removes the following title of materials incorporated by references:</b>	
<b>Official Title of Materials Incorporated (from title page)</b>	PSUAC Unified Rules for Muay Thai
<b>Publisher</b>	Pete Suazo Utah Athletic Commission
<b>Issue Date</b>	2017

<b>G) This rule adds, updates, or removes the following title of materials incorporated by references:</b>	
<b>Official Title of Materials Incorporated (from title page)</b>	International Kickboxing Federation Rules for Muay Thai
<b>Publisher</b>	International Kickboxing Federation
<b>Issue Date</b>	2023

<b>H) This rule adds, updates, or removes the following title of materials incorporated by references:</b>	
<b>Official Title of Materials Incorporated (from title page)</b>	International Federation of Muay Thai Associations Rules for Muay Thai
<b>Publisher</b>	International Federation of Muay Thai
<b>Issue Date</b>	April 10, 2023

**Public Notice Information**

**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

**A) Comments will be accepted until:** 07/17/2023

**9. This rule change MAY become effective on:** 07/25/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Jill Love, Executive Director	<b>Date:</b>	05/30/2023
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**NOTICE OF PROPOSED RULE**

**TYPE OF FILING:** Repeal

<b>Rule or Section Number:</b>	<b>R495-878</b>	<b>Filing ID:</b>	<b>55435</b>
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**Agency Information**

<b>1. Department:</b>	Health and Human Services		
<b>Agency:</b>	Administration		
<b>Building:</b>	Multi-Agency State Office Building (MASOB)		
<b>Street address:</b>	195 N 1950 W		
<b>City, state and zip:</b>	Salt Lake City, UT 84116		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Jonah Shaw	385 310- 2389	jshaw@utah.gov	

**Please address questions regarding information on this notice to the agency.**

**General Information**

**2. Rule or section catchline:**  
R495-878. Americans with Disabilities Act and Civil Rights Grievance Procedures

**3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):**

The purpose of this filing is to repeal this rule. The Department of Health and Human Services (Department) will utilize Rule R380-100, Americans with Disabilities Act Grievance Procedures, to implement the provisions of 28

CFR 35 which in turn implements Title II of the Americans with Disabilities Act.

**4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):**

This filing repeals this rule in its entirety.

**Fiscal Information**

**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:**

**A) State budget:**

No change to the state budget is expected because this repeal is technical in nature and is the result of the consolidation and recodification of the Department's code.

**B) Local governments:**

Local governments will not see a fiscal impact with this repeal; the repeal is technical in nature and is the result of the consolidation and recodification of the Department's code.

**C) Small businesses ("small business" means a business employing 1-49 persons):**

Small businesses will not see a fiscal impact with this repeal; the repeal is technical in nature and is the result of the consolidation and recodification of the Department's code.

**D) Non-small businesses ("non-small business" means a business employing 50 or more persons):**

Non-small businesses will not see a fiscal impact with this repeal; the repeal is technical in nature and is the result of the consolidation and recodification of the Department's code.

**E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):**

Persons other than small businesses, non-small businesses, state, or local government entities will not see a fiscal impact with this repeal; the repeal is technical in nature and is the result of the consolidation and recodification of the Department's code.

**F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):**

There will be no costs generated by the proposed repeal; the repeal is technical in nature and is the result of the consolidation and recodification of the Department's code.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Executive Director of the Department of Health and Human Services, Tracy Gruber, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 26B-1-202		
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**Public Notice Information**

**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

**A) Comments will be accepted until:** 07/17/2023

**9. This rule change MAY become effective on:** 07/25/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	05/22/2023
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R590-222</b>	<b>Filing ID:</b> <b>55451</b>

**Agency Information**

<b>1. Department:</b>	Insurance	
<b>Agency:</b>	Administration	
<b>Room number:</b>	Suite 2300	
<b>Building:</b>	Taylorsville State Office Building	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state and zip:</b>	Taylorsville, UT 84129	
<b>Mailing address:</b>	PO Box 146901	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6901	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gooch	801-957-9322	sgooch@utah.gov

**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

<b>2. Rule or section catchline:</b>
R590-222. Life Settlements
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being changed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.

**4. Summary of the new rule or change:**

The majority of the changes are being done to fix style issues to bring this rule text more in line with the Utah Rulewriting Manual standards.

Other changes make the language of this rule more clear, remove the Enforcement Date (old R590-222-15) and Penalties (old R590-222-16) sections, and update the Severability (new R590-222-15) section to use the Department's current language.

The changes do not add, remove, or change any regulations or requirements.

**Fiscal Information**

**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:**

**A) State budget:**

There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature, and will not change how the Department functions.

**B) Local governments:**

There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.

**C) Small businesses** ("small business" means a business employing 1-49 persons):

There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature, and will not affect small businesses.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):

There is no anticipated cost or savings to non-small businesses. The changes are largely clerical in nature, and will not affect non-small businesses.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

**F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for any affected persons. The changes are largely clerical in nature.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there

are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

**Regulatory Impact Table**

Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 31A-2-201	Section 31A-36-119	
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**Public Notice Information**

**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)



<b>A) Comments will be accepted until:</b>	07/17/2023
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<b>9. This rule change MAY become effective on:</b>	07/25/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	06/01/2023
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NOTICE OF PROPOSED RULE		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R590-249</b>	<b>Filing ID:</b> <b>55452</b>

**Agency Information**

<b>1. Department:</b>	Insurance	
<b>Agency:</b>	Administration	
<b>Room number:</b>	Suite 2300	
<b>Building:</b>	Taylorsville State Office Building	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state and zip:</b>	Taylorsville, UT 84129	
<b>Mailing address:</b>	PO Box 146901	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6901	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gooch	801-957-9322	sgooch@utah.gov

Please address questions regarding information on this notice to the persons listed above.

**General Information**

<b>2. Rule or section catchline:</b>
R590-249. Secondary Medical Condition Exclusion
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being changed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.
<b>4. Summary of the new rule or change:</b>

The majority of the changes are being done to fix style issues to bring this rule text more in line with the Utah Rulewriting Manual standards.

Other changes make the language of this rule more clear, add a Definitions (new R590-249-3) section, remove the Enforcement Date (old R590-249-6) and Penalties (old R590-249-5) sections, and update the Severability (new R590-249-6) section to use the Department's current language.

The changes do not add, remove, or change any regulations or requirements.

**Fiscal Information**

**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:**

**A) State budget:**

There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature, and will not change how the Department functions.

**B) Local governments:**

There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.

**C) Small businesses** ("small business" means a business employing 1-49 persons):

There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature, and will not affect small businesses.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):

There is no anticipated cost or savings to non-small businesses. The changes are largely clerical in nature, and will not affect non-small businesses.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

**F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for any affected persons. The changes are largely clerical in nature.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 31A-2-201		
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**Public Notice Information**

**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

<b>A) Comments will be accepted until:</b>	07/17/2023
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<b>9. This rule change MAY become effective on:</b>	07/25/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	06/01/2023
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF FILING:</b> Repeal and Reenact		
<b>Rule or Section Number:</b>	<b>R590-274</b>	<b>Filing ID:</b> <b>55453</b>

**Agency Information**

<b>1. Department:</b>	Insurance	
<b>Agency:</b>	Administration	
<b>Room number:</b>	Suite 2300	
<b>Building:</b>	Taylorsville State Office Building	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state and zip:</b>	Taylorsville, UT 84129	
<b>Mailing address:</b>	PO Box 146901	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6901	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gooch	801-957-9322	sgooch@utah.gov

**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

<b>2. Rule or section catchline:</b>
R590-274. Submission and Required Disclosures of Public Adjuster Contracts
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being changed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.



**4. Summary of the new rule or change:**

The majority of the changes are being done to fix style issues to bring this rule text more in line with the Utah Rulewriting Manual standards.

Other changes make the language of this rule more clear, remove the Penalties (R590-274-8) and Enforcement Date (old R590-274-9) sections, and update the Severability (new R590-274-8) section to use the Department's current language.

The changes do not add, remove, or change any regulations or requirements.

**Fiscal Information**

**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:**

**A) State budget:**

There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature, and will not change how the Department functions.

**B) Local governments:**

There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.

**C) Small businesses** ("small business" means a business employing 1-49 persons):

There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature, and will not affect small businesses.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):

There is no anticipated cost or savings to non-small businesses. The changes are largely clerical in nature, and will not affect non-small businesses.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

**F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for any affected persons. The changes are largely clerical in nature.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there

are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

**Regulatory Impact Table**

Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 31A-26-401	Section 31A-26-403	
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**Public Notice Information**

**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

NOTICES OF PROPOSED RULES

<b>A) Comments will be accepted until:</b>	07/17/2023
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<b>9. This rule change MAY become effective on:</b>	07/25/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	06/01/2023
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NOTICE OF PROPOSED RULE		
<b>TYPE OF FILING:</b> New		
<b>Rule or Section Number:</b>	R650-301	<b>Filing ID:</b> 55445

**Agency Information**

<b>1. Department:</b>	Natural Resources	
<b>Agency:</b>	Outdoor Recreation	
<b>Room number:</b>	100	
<b>Building:</b>	Department of Natural Resources	
<b>Street address:</b>	1594 W North Temple, Suite 100	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	1594 W North Temple, Suite 100	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Chase Pili	801-707-5359	cpili@utah.gov
Rachel Toker	385-303-1519	racheltoker@utah.gov
Tara McKee	385-441-2702	tmckee@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R650-301. Off Highway Vehicle Recreation Grant Program

<b>3. Purpose of the new rule or reason for the change:</b>
Utah Code Section 41-22-19 authorizes the Division of Outdoor Recreation (Division) to issue grants to fund the development of off-highway vehicle facilities, mitigate impacts of off-highway vehicle use, educate off-highway vehicle users, support off-highway vehicle access protection, promote and encourage off-highway vehicle tourism, and to further the policies of the off-highway vehicles section of the Motor Vehicle code.
Subsection 41-22-19(5) requires the Division to make rules as necessary to implement this section, including grant administration.
This rule implements this legislative mandate by establishing the application, eligibility, project selection, and reporting criteria and requirements for grant applicants and recipients.
<b>4. Summary of the new rule or change:</b>
This rule implements a legislative mandate by establishing the application, eligibility, project selection, and reporting criteria and requirements for grant applicants and recipients for off-highway vehicle grants.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no anticipated cost or savings to the state budget, as this rule is clerical in nature and will have no impact on how the Department of Natural Resources functions or the parties this applies to.
<b>B) Local governments:</b>
This proposed rule is not expected to have a fiscal impact on local governments' revenues or expenditures because this rule change is clerical in nature.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
This proposed rule will not have a fiscal impact on small businesses as it lays out the administrative portions of the grant application and scoring process.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
This proposed rule does not have a fiscal impact on non-small businesses nor will service be required of them to implement this rule.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation,</b>

association, governmental entity, or public or private organization of any character other than an **agency**):

This proposed rule will not have a fiscal impact on persons other than those listed above. This rule lays out the administrative portions of the grant application and scoring process.

**F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. This rule simply adds clarification to requirements and policy with no fiscal impact to other entities.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 41-22-19		
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**Public Notice Information**

**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

<b>A) Comments will be accepted until:</b>	07/17/2023
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<b>9. This rule change MAY become effective on:</b>	07/25/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Jason Curry, Director	<b>Date:</b>	05/22/2023
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**End of the Notices of Proposed Rules Section**



## NOTICES OF CHANGES IN PROPOSED RULES

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After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Digest* ends July 17, 2023.

From the end of the 30-day waiting period through October 13, 2023, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

**CHANGES IN PROPOSED RULES** are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

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**The Changes in Proposed Rules Begin on the Following Page**

NOTICE OF CHANGE IN PROPOSED RULE		
<b>Rule or Section Number:</b>	<b>R384-415</b>	<b>Filing ID: 55390</b>
<b>Date of Previous Publication:</b>	<b>05/15/2023</b>	

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Disease Control and Prevention, Health Promotion	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 142106	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2106	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Braden Ainsworth	801-538-6187	tobaccorulescomments@utah.gov
McKenna Christensen	801-538-6260	tobaccorulescomments@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R384-415. Requirements to Sell Electronic Cigarette Products
<b>3. Reason for this change:</b>
The Department of Health and Human Services (Department) reviewed and evaluated the proposed rule amendment to Rule R384-415, and seeks to incorporate the following correction into the original rule amendment filing.
<b>4. Summary of this change:</b>
There is one change in this change in proposed rule (CPR), which is correcting an "and" to an "or" in Subsection R384-415-5(1)(a)(ii). The current Subsection R384-415-5(1)(a)(ii) uses the word "or" and the Department did not intend to change that aspect of the nicotine limit for electronic cigarette products in the original filing. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the May 15, 2023, issue of the Utah State

Bulletin, on page 89. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The Department does not expect the enactment of this CPR to have any fiscal cost to the state budget.
<b>B) Local government:</b>
The Department does not expect enactment of this CPR to have any fiscal impact on the local governments' revenues or expenditures, as local health departments will continue to conduct retail observations and investigations in accordance with respective state tobacco control laws, state administrative rules, and local health department regulations using existing allocated resources to enforce the CPR.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
The Department does not expect enactment of this CPR to have any direct fiscal cost to small businesses, as the CPR is correcting an unintended change which will return the proposed rule to the current way that nicotine content is determined in manufacturer sealed electronic cigarette products. The CPR maintains the nicotine levels as proposed in the original filing.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
The Department does not expect enactment of this CPR to have any direct fiscal cost to non-small businesses, as the CPR is correcting an unintended change which will return the proposed rule to the current way that nicotine content is determined in manufacturer sealed electronic cigarette products. The CPR maintains the nicotine levels as proposed in the original filing.
<b>E) Persons other than small businesses, non-small businesses, or state or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
The Department does not expect enactment of this CPR to have any direct cost to persons, as the CPR is correcting an unintended change which will return the proposed rule to the current way that nicotine content is

determined in manufacturer sealed electronic cigarette products. The CPR maintains the nicotine levels as proposed in the original filing.

**F) Compliance costs for affected persons:**

The Department does not expect enactment of this CPR to have any compliance costs for affected persons.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Health and Human Services, Tracy Gruber, has reviewed and approved this regulatory impact analysis.			

**Citation Information**

**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 26B-7-505		
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**Public Notice Information**

**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

<b>A) Comments will be accepted until:</b>	07/17/2023
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<b>9. This rule change MAY become effective on:</b>	07/25/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	05/31/2023
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**End of the Notices of Changes in Proposed Rules Section**





## NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

NOTICE OF EMERGENCY (120-DAY) RULE		
<b>Rule or Section Number:</b>	R704-4	<b>Filing ID: 55432</b>
<b>Effective Date:</b>	05/16/2023	

### Agency Information

<b>1. Department:</b>	Public Safety	
<b>Agency:</b>	Emergency Management	
<b>Room number:</b>	Suite 2200	
<b>Building:</b>	Taylorsville State Office Building	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state and zip:</b>	Taylorsville, UT 84129-2128	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kim Gibb	801-556-8198	kgibb@utah.gov
Janna Wilkinson	385-214-5857	jannawilkinson@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

### General Information

<b>2. Rule or section catchline:</b>
R704-4. Response, Recovery, and Post-disaster Mitigation Grant Funding

<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being filed as a result of the passage of S.B. 33 during the 2023 General Session. The bill became effective on 05/03/2023. This rule is being enacted as an emergency rule to clarify the process by which a governing body may apply for response recovery and post-disaster mitigation grant funding.
<b>4. Summary of the new rule or change:</b>
This rule filing designates the requirements and procedures for a governing body of an affected community to: apply for a disaster response and recovery grant; conduct an official damage assessment; establish standards to determine the categories of and criteria for entities and costs that are eligible for grant funds; establish minimum threshold payment amounts and cost-sharing requirements; establish standards and procedures to ensure that funds distributed in accordance with this part are distributed in a cost effective and equitable manner; are reasonably necessary for disaster response and recovery; are an appropriate and necessary use of public funds; and ensure that all receipts and invoices are documented.
<b>5A) The agency finds that regular rulemaking would:</b>
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/> place the agency in violation of federal or state law.

**B) Specific reasons and justifications for this finding:**  
 S.B. 33 (2023) became effective on 05/03/2023. Emergency rulemaking is necessary in order to establish the process by which grant funding may be obtained by a governing body to address flooding that is currently taking place.

**Fiscal Information**

**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:**

**A) State budget:**

The Division of Emergency Management (Division) does not anticipate a cost to the state budget as a result of the enactment of this rule. The Utah Legislature appropriated funding for FY24 in the amount of \$10,000,000 to provide grant funding for disaster recovery and post-disaster mitigation. This rule determines how the funding will be distributed.

**B) Local governments:**

The Division does not anticipate a cost to local governments as a result of the enactment of this rule. The Utah Legislature appropriated funding for FY24 in the amount of \$10,000,000 to provide grant funding for disaster recovery and post-disaster mitigation. This rule determines how the funding will be distributed.

**C) Small businesses** ("small business" means a business employing 1-49 persons):

The Division does not anticipate a cost to small businesses as a result of the enactment of this rule. The Utah Legislature appropriated funding for FY24 in the amount of \$10,000,000 to provide grant funding for disaster recovery and post-disaster mitigation. This rule determines how the funding will be distributed.

**D) Persons other than small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

The Division does not anticipate a cost to persons other than small businesses, state, or local government entities as a result of the enactment of this rule. The Utah Legislature appropriated funding for FY24 in the amount of \$10,000,000 to provide grant funding for disaster recovery and post-disaster mitigation. This rule determines how the funding will be distributed.

**E) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?):

The Division does not anticipate any compliance costs to affected persons as a result of the enactment of this rule. The Utah Legislature appropriated funding for FY24 in the amount of \$10,000,000 to provide grant funding for disaster recovery and post-disaster mitigation. This rule determines how the funding will be distributed.

**F) Comments by the department head on the fiscal impact this rule may have on businesses** (Include the name and title of the department head):

The Commissioner of the Department of Public Safety, Jess L. Anderson, has reviewed and approved the fiscal impact this rule may have on businesses.

**Citation Information**

**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 53-2a-102	Section 53-2a-1301	Section 53-2a-1302
Section 53-2a-1303	Section 53-2a-1304	Section 53-2a-1305

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kris Hamlet, Division Director	<b>Date:</b>	05/16/2023
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**End of the Notices of 120-Day (Emergency) Rules Section**

# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at [adminrules.utah.gov](http://adminrules.utah.gov). The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

**REVIEWS** are governed by Section 63G-3-305.

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule Number:</b>	<b>R30-1</b>	<b>Filing ID: 50059</b>
<b>Effective Date:</b>	<b>05/17/2023</b>	

### Agency Information

<b>1. Department:</b>	Government Operations	
<b>Agency:</b>	Inspector General of Medicaid Services (Office of)	
<b>Room number:</b>	417	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 143103	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-3103	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Gene D. Cottrell	801-599-4372	gcottrell@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

### General Information

<b>2. Rule catchline:</b>
R30-1. Office Procedures
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>

This administrative rule is enacted under Title 63A, Chapter 13, "Office of Inspector General of Medicaid Services" (Office).

This provision authorizes the Office to create rules to establish standards for how the Office is to conduct business and how it will interact with Medicaid contracted entities.

### 4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There have been no written comments received by this Office in the past five years regarding this rule.

### 5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because the work of the Office is still conducted in a substantially similar fashion. Therefore, this rule should be continued.

### Agency Authorization Information

<b>Agency head or designee and title:</b>	Gene D. Cottrell, Inspector General	<b>Date:</b>	05/11/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule Number:</b>	<b>R30-2</b>	<b>Filing ID: 50061</b>
<b>Effective Date:</b>	<b>05/17/2023</b>	

**Agency Information**

<b>1. Department:</b>	Government Operations	
<b>Agency:</b>	Inspector General of Medicaid Services (Office of)	
<b>Room number:</b>	417	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 143103	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-3103	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Gene D. Cottrell	801-599-4372	gcottrell@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R30-2. Adjudicative Procedures
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This administrative rule is enacted under Title 63A, Chapter 13, "Office of Inspector General of Medicaid Services" (Office).  This provision authorizes the Office to create rules to establish standards for how the Office is to conduct business and how it will interact with Medicaid contracted entities.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
There have been no written comments received by this Office in the past five years regarding this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is necessary because the work of the Office is still conducted in a substantially similar fashion. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Gene D. Cottrell, Inspector General	<b>Date:</b>	05/11/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R30-3</b>	<b>Filing ID: 50063</b>
<b>Effective Date:</b>	<b>05/17/2023</b>	

**Agency Information**

<b>1. Department:</b>	Government Operations	
<b>Agency:</b>	Inspector General of Medicaid Services (Office of)	
<b>Room number:</b>	417	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 143103	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-3103	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Gene D. Cottrell	801-599-4372	gcottrell@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R30-3. Declaratory Orders
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This administrative rule is enacted under Title 63A, Chapter 13, "Office of Inspector General of Medicaid Services" (Office).  This provision authorizes the Office to create rules to establish standards for how the Office is to conduct business and how it will interact with Medicaid contracted entities.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
There have been no written comments received by this Office in the past five years regarding this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is necessary because the work of the Office is still conducted in a substantially similar fashion. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Gene D. Cottrell, Inspector General	<b>Date:</b>	05/11/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R396-100</b>	<b>Filing ID:</b>	<b>53814</b>
<b>Effective Date:</b>	<b>05/22/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Population Health	
<b>Building:</b>	Cannon Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 142001	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2001	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Rich Lakin	801-554-9827	rlakin@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R396-100. Immunization Rule for Students
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule implements the immunization requirement of Section 53G-9-3. This rule establishes the minimum immunization requirements for attendance at a public, private, elementary, or secondary schools through grade 12, nursery school or kindergarten, licensed day care center, childcare facility, family home care, or the Head Start program in the state of Utah.
This rule establishes: 1) required doses and frequency of vaccine administration; 2) reporting of statistical data; and 3) time periods for conditional enrollment.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No comments have been received since the last five-year review.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

This rule implements minimum immunization requirements for the safety of students as described in the purpose and authority for schools listed.

It also describes the frequency and vaccines that are required for school attendance along with vaccine exemption processes to attend schools.

In addition, it allows the Department of Health and Human Services to gather statistical data of immunization status of students in case of an outbreak to ensure their safety, which is coordinated with local health departments.

Lastly, it describes conditional enrollment processes to help parents that are behind on required vaccines. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	05/22/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R414-508</b>	<b>Filing ID:</b>	<b>51000</b>
<b>Effective Date:</b>	<b>05/23/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Health Care Financing, Coverage and Reimbursement Policy	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 143102	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-3102	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

**General Information**

<b>2. Rule catchline:</b>
R414-508. Requirements for Transfer of Bed Licenses
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26B-1-213 grants the Department of Health and Human Services (Department) the power to adopt, amend, or rescind rules, and Section 26B-3-313 sets forth licensed-bed transfer requirements for nursing care facility programs.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Department did not receive any written comments regarding this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The Department has determined that this rule is necessary because it implements bed transfer requirements in accordance with state law. Therefore, this rule should be continued.
The Department will file an amendment to update citations for recodification and for merger purposes.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	05/22/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R414-519</b>	<b>Filing ID:</b>	<b>51009</b>
<b>Effective Date:</b>	<b>05/22/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services
<b>Agency:</b>	Health Care Financing, Coverage and Reimbursement Policy
<b>Building:</b>	Cannon Health Building
<b>Street address:</b>	288 N 1460 W
<b>City, state and zip:</b>	Salt Lake City, UT 84116
<b>Mailing address:</b>	PO Box 143102
<b>City, state and zip:</b>	Salt Lake City, UT 84114-3102

<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R414-519. Settings for Home and Community-Based Services
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26B-1-213 grants the Department of Health and Human Services (Department) the power to adopt, amend, or rescind rules, and Section 26B-3-108 requires the Department to administer the Medicaid program through administrative rules.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Department did not receive any written comments regarding this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The Department has determined that this rule is necessary because it implements requirements that allow an individual to thrive in a home and community-based services settings. Therefore, this rule should be continued.
The Department will file an amendment to update citations and make other technical changes.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	05/22/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R512-76</b>	<b>Filing ID:</b>	<b>54282</b>
<b>Effective Date:</b>	<b>05/22/2023</b>		



**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Child and Family Services	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 West	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Carol Miller	801-557-1772	carolmiller@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R512-76. Expungement of Child and Family Services Allegations
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 80-2-302 authorizes the Division of Child and Family Services (Division) to clarify the scope of services the Division provides to families in Utah.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No comments have been received since the last five-year review of this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is necessary in order for the Division to clarify the requirements for expungement of Child and Family Services allegations. Therefore, this rule should be continued.  The Department of Health and Human Services anticipates amending this rule to adjust any name changes and citation references following the consolidation and recodification of the Department's statute.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	05/22/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R652-7</b>	<b>Filing ID:</b>	<b>51684</b>
<b>Effective Date:</b>	<b>05/24/2023</b>		

**Agency Information**

<b>1. Department:</b>	Natural Resources	
<b>Agency:</b>	Forestry, Fire and State Lands	
<b>Room number:</b>	352	
<b>Building:</b>	DNR	
<b>Street address:</b>	1594 W North Temple	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 145703	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-5703	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Brianne Emery	385-239-0791	brianneemery@utah.gov
Jamie Barnes	385-222-1536	jamiebarnes@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R652-7. Public Petitions for Declaratory Orders
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule implements Section 63G-4-503 which authorizes the Division of Forestry, Fire and State Lands (Division) to provide the procedures for submission, review, and disposition of petitions for agency declaratory orders on the applicability of statutes, rules, and orders governing or issued by the agency.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No comments have been received during or since the last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>



FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

This rule authorizes the Division to provide the procedures for submission, review, and disposition of petitions for agency declaratory orders on the applicability of statutes, rules, and orders governing or issued by the agency. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Jamie Barnes, Director/State Forester	<b>Date:</b>	05/24/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R652-110</b>	<b>Filing ID:</b>	<b>51699</b>
<b>Effective Date:</b>	<b>05/24/2023</b>		

**Agency Information**

<b>1. Department:</b>	Natural Resources		
<b>Agency:</b>	Forestry, Fire and State Lands		
<b>Room number:</b>	352		
<b>Building:</b>	DNR		
<b>Street address:</b>	1594 W North Temple		
<b>City, state and zip:</b>	Salt Lake City, UT 84116		
<b>Mailing address:</b>	PO BOX 145703		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-5703		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Brianne Emery	385-239-0791	brianneemery@utah.gov	

Jamie Barnes	385-222-1536	jamiebarnes@utah.gov
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**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

<b>2. Rule catchline:</b>
R652-110. Off-Highway Vehicle Designations
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule implements Section 41-22-10.1 which requires off-highway vehicle use designation.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No comments have been received during or since the last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule authorizes the Division of Forestry, Fire and State Lands to designate certain roads, trails, and areas as "open" for various classes of OHVs and identifies the categories of designation. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Jamie Barnes, Director/State Forester	<b>Date:</b>	05/24/2023
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**End of the Five-Year Notices of Review and Statements of Continuation Section**

## NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

**EXTENSIONS** are governed by Subsection 63G-3-305(6).

NOTICE OF FIVE-YEAR REVIEW EXTENSION		
<b>Rule Number:</b>	<b>R68-16</b>	<b>Filing ID: 50145</b>
<b>New Deadline Date:</b>	<b>09/20/2023</b>	

### Agency Authorization Information

<b>Agency head or designee and title:</b>	Craig W Butters, Commissioner	<b>Date:</b>	05/19/2023
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### Agency Information

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Plant Industry	
<b>Building:</b>	TSOB South Bldg, Floor 2	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state and zip:</b>	Taylorsville, UT 84129-2128	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	ambermbrown@utah.gov
Kelly Pehrson	385-977-2147	kwpehrson@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

### General Information

<b>2. Rule catchline:</b>
R68-16. Quarantine Pertaining to Pine Shoot Beetle, <i>Tomicus piniperda</i>
<b>3. Reason for requesting the extension:</b>
This rule is no longer needed. The Division of Plant Industry is requesting an extension to allow the Department of Agriculture and Food to repeal this rule before it expires.

### NOTICE OF FIVE-YEAR REVIEW EXTENSION

<b>Rule Number:</b>	<b>R708-49</b>	<b>Filing ID: 51893</b>
<b>New Deadline Date:</b>	<b>10/11/2023</b>	

### Agency Information

<b>1. Department:</b>	Public Safety	
<b>Agency:</b>	Driver License	
<b>Room number:</b>	Suite 2600	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state and zip:</b>	Taylorsville, UT 84129	
<b>Mailing address:</b>	PO Box 144501	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4501	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kim Gibb	801-556-8198	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

**General Information**

<b>2. Rule catchline:</b>
R708-49. Temporary Identification Card
<b>3. Reason for requesting the extension:</b>
The Division of Driver License is considering the possibility of repealing this rule and requires more time to repeal this rule before it expires.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Christopher Caras, Director	<b>Date:</b>	05/17/2023
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**End of the Notices of Five-Year Review Extensions Section**

## NOTICES OF RULE EFFECTIVE DATES

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State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

**NOTICES OF EFFECTIVE DATE** are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

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### Agriculture and Food

#### Animal Industry

No. 55281 (Amendment) R58-2: Diseases, Inspections and Quarantines

Published: 04/01/2023

Effective: 05/23/2023

No. 55284 (Amendment) R58-4: Use of Animal Drugs and Biologicals

Published: 04/01/2023

Effective: 05/23/2023

No. 55285 (Amendment) R58-6: Poultry and Captive-Raised Gamebirds

Published: 04/01/2023

Effective: 05/23/2023

No. 55283 (Amendment) R58-14: Holding Live Raccoons Or Coyotes in Captivity

Published: 04/01/2023

Effective: 05/23/2023

### Crime Victim Reparations

#### Administration

No. 55308 (Amendment) R270-1-23: Sexual Assault Forensic Examinations

Published: 04/15/2023

Effective: 05/22/2023

No. 55311 (Amendment) R270-1-25: Victim Services Awards

Published: 04/15/2023

Effective: 05/23/2023

### Education

#### Administration

No. 55288 (Amendment) R277-104: ADA Complaint Procedure

Published: 04/15/2023

Effective: 05/23/2023

No. 55328 (Amendment) R277-301: Educator Licensing

Published: 05/01/2023

Effective: 06/07/2023

No. 55329 (Amendment) R277-312: Online Educator Licensure

Published: 05/01/2023

Effective: 06/07/2023

No. 55289 (New Rule) R277-329: Local School District Board Policies for Evaluation of Classified Employees

Published: 04/15/2023

Effective: 05/23/2023

No. 55294 (Amendment) R277-419: Pupil Accounting

Published: 04/15/2023

Effective: 07/01/2023

No. 55330 (Repeal) R277-492: Math and Science Opportunities for Students and Teachers (MOST) Program

Published: 05/01/2023

Effective: 06/07/2023

No. 55290 (Repeal) R277-532: Local Board Policies for Evaluation of Non-Licensed Public Education Employees (Classified Employees)

Published: 04/15/2023

Effective: 05/23/2023

No. 55248 (Amendment) R277-552: Charter School Timelines and Approval Processes

Published: 03/01/2023

Effective: 05/23/2023

No. 55248 (Change in Proposed Rule) R277-552: Charter School Timelines and Approval Processes

Published: 04/15/2023

Effective: 05/23/2023

NOTICES OF RULE EFFECTIVE DATES

No. 55291 (Amendment) R277-751: Special Education Extended School Year (ESY)  
Published: 04/15/2023  
Effective: 05/23/2023

No. 55332 (Amendment) R277-800: Utah Schools for the Deaf and the Blind  
Published: 05/01/2023  
Effective: 06/07/2023

No. 55333 (Amendment) R277-926: Certification of Residential Treatment Center Special Education Program  
Published: 05/01/2023  
Effective: 06/07/2023

No. 55292 (Amendment) R277-927: Teacher and Student Success Act (TSSA) Program  
Published: 04/15/2023  
Effective: 05/23/2023

Environmental Quality

Drinking Water

No. 55217 (Amendment) R309-700: Financial Assistance: State Drinking Water State Revolving Fund (SRF) Loan Program  
Published: 03/01/2023  
Effective: 05/22/2023

No. 55218 (Amendment) R309-705: Financial Assistance: Federal Drinking Water State Revolving Fund (SRF) Loan Program  
Published: 03/01/2023  
Effective: 05/22/2023

No. 55219 (Repeal and Reenact) R309-800: Capacity Development Program  
Published: 03/01/2023  
Effective: 05/22/2023

Health and Human Services

Health Care Financing, Coverage and Reimbursement Policy

No. 55340 (Amendment) R414-9: Federally Qualified Health Centers and Rural Health Clinics  
Published: 05/01/2023  
Effective: 06/12/2023

Health Care Facility Licensing

No. 55310 (Amendment) R432-31: Life with Dignity Order  
Published: 05/01/2023  
Effective: 06/12/2023

Human Services Program Licensing

No. 55307 (Amendment) R501-12: Foster Care Services  
Published: 04/15/2023  
Effective: 05/31/2023

Insurance

Administration

No. 55334 (Repeal and Reenact) R590-67: Proxy Solicitations and Consent and Authorization of Stockholders of Domestic Stock Insurers  
Published: 05/01/2023  
Effective: 06/09/2023

No. 55335 (Repeal and Reenact) R590-68: Insider Trading of Equity Securities of Domestic Stock Insurance Companies  
Published: 05/01/2023  
Effective: 06/09/2023

No. 55336 (Amendment) R590-216: Standards for Safeguarding Customer Information  
Published: 05/01/2023  
Effective: 06/09/2023

No. 55341 (Repeal and Reenact) R590-220: Submission of Accident and Health Insurance Filings  
Published: 05/01/2023  
Effective: 06/09/2023

No. 55337 (Amendment) R590-264: Property and Casualty Actuarial Opinion Rule  
Published: 05/01/2023  
Effective: 06/09/2023

No. 55338 (Amendment) R590-266: Utah Essential Health Benefits Package  
Published: 05/01/2023  
Effective: 06/09/2023

No. 55256 (Amendment) R590-283-6: Reporting  
Published: 03/15/2023  
Effective: 06/09/2023

No. 55256 (Change in Proposed Rule) R590-283-6: Reporting  
Published: 05/01/2023  
Effective: 06/09/2023

Public Safety

Driver License

No. 55317 (New Rule) R708-55: Foreign Driver License Reciprocity  
Published: 05/01/2023  
Effective: 06/07/2023

Highway Patrol

No. 55305 (Amendment) R714-158: Vehicle Safety Inspection Program Requirements  
Published: 04/15/2023  
Effective: 05/23/2023

No. 55306 (Amendment) R714-570: Mental Health Resources or First Responders Grant Funding  
Published: 04/15/2023  
Effective: 05/23/2023

Workforce Services

Housing and Community Development

No. 55322 (Amendment) R990-200-3: Definitions

Published: 05/01/2023

Effective: 06/07/2023

**End of the Notices of Rule Effective Dates Section**